

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

UNITED STATES OF AMERICA,

Plaintiff/Respondent,

vs.

No. 08-CV-331 RB/WDS

No. 03-CR-1832 RB

MARCELLO JIMENEZ,

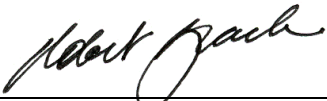
Defendant/Movant.

ORDER

THIS MATTER came before the Court on Defendant's Motion to Vacate, Set Aside or Correct Sentence pursuant to §2255, with supporting Memorandum of Law. (Docket No. 1, 6) Plaintiff/Respondent filed a brief in opposition, and Defendant filed a reply brief. Having reviewed the record de novo and considered the United States Magistrate Judge's Proposed Findings and Recommended Disposition, to which Petitioner did not file objections, and being otherwise fully advised, I find that the Motion to Vacate, Set Aside, or Correct Sentence should be denied.

WHEREFORE, IT IS ORDERED that the findings and recommendations of the United States Magistrate Judge are adopted.

IT IS FURTHER ORDERED that Defendant's Motion to Vacate, Set Aside, or Correct Sentence (Docket No. 1) is **DENIED**.



ROBERT C. BRACK
UNITED STATES DISTRICT JUDGE